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MEMORIAL-SKETCH

OF

Hon. JOHN W. EDMONDS.

A BRIEF ACCOUNT OF THE STATE PRISONS OF NEW YORK,
AS HE FOUND THEM, AND THE IMPROVEMENTS HE
ENDEAVORED TO EFFECT IN THEM BY THE
AID OF THE PRISON ASSOCIATION.

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BY CEPHAS BRAINERD, NEW YORK.

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MEMORIAL-SKETCH OF HON. JOHN W. EDMONDS.

[A brief account of the State prisons of New York, as he found them thirty-three years ago, and the improvements he endeavored to effect in them by the aid of the Prison Association.]

By CEPHAS BRAINERD,
Recording Secretary of the Prison Association.

This sketch is not intended to call attention to the late Judge Edmonds save as he was interested in the work of Prison Reform. His long and interesting public career is left to other pens, or more likely to that fleeting tradition which preserves but for a lifetime an uncertain memorial of the career of most great lawyers. As a wise and earnest reformer in all branches of the great science which claims the services of the members and friends of the Prison Association of New York, his life and work are entitled to far more extended treatment than is here allowed for them.

John W. Edmonds was born at Hudson, New York, December, 1799. He graduated at Union College, studied law, and began practice in the city of New York. He shortly removed to Hudson, where he gradually attained prominence as a lawyer, and soon became widely known as a public-spirited citizen and an active politician. In April, 1843, he was appointed one of the inspectors of the Sing Sing State prison, and held that office until February, 1845, when he was appointed circuit judge. Ceasing to hold the office of judge of the Supreme Court, he resumed the practice of law in New York, where he died 5th April, 1874. The condition in which he found the prison is best described in a letter addressed by Judge Edmonds to Governor Bouck, in June, 1843.

" * * * Free admittance was granted to all who would pay a small fee; frequent and almost unrestrained intercourse with their friends was allowed to the convicts. They conversed with their keepers, with the contractors and with each other. Knots of them would assemble in the yard and other places in unrestricted conversation with each other. They had newspapers among them, knew what was going on without the prison, would inquire the result of the elections and have been known to amuse themselves by going through the manual exercise with hoop poles.

In the Sunday-schools convicts were allowed to be teachers. Three hundred or four hundred convicts would assemble in the chapel, be divided into classes of eight and ten each, and with only two or three keepers in the room it was impossible to prevent free intercourse between them. Frequent instances were discovered, and the offending convicts dismissed the school. And there is no doubt that a recent attempt at an escape was devised between the teacher and one of his class in the school. These things did not comport with just notions of a penitentiary, and whether they were a necessary part or consequence of the change in the discipline or not, they demanded immediate reform.

"The prison is regarded by the Inspectors as a place of punishment and reform, and not one of relaxation, and so far as the convicts are to be taught from books, they ought to learn only such things as would teach them the nature of the crimes they had committed, and their duty to the society whose laws they had violated. But the Inspectors found in the prison, belonging to it, and purchased at an expense of \$650 to the State, quite a miscellaneous library, in which books of fiction and sectarian essays had common entrance; and they found, in the possession of convicts, newspapers, songs, story books, obscene pictures and novels, among which were *Handy Andy*, *Barnaby Rudge*, *The Burglar's Companion*, *History of Buccaneers*, *Comic Almanacs*, '*The Murderer*,' *Convict's Journal*, *Chronological Dictionary*, *Lady of Refinement*, and *Lives of Females*. The Inspectors also regarded it as the duty of the officers of the prison to deal with entire impartiality towards all the convicts and make no discrimination between them other than that necessary one between those who behaved ill or well or that between the hale and the sick. Yet it was discovered that the relatives and friends of convicts who had means or who resided in the vicinity of the prison, by the freedom of this intercourse, were enabled to afford them many luxuries and comforts which were denied to poorer and more friendless prisoners. Hence in some of the cells were found such articles as writing materials, novels, tobacco, snuff, pipes, matches, flints and steels, ardent spirits, ornaments, penknives, pocket-books, canes, gloves, and looking-glasses. In some were eight or nine blankets, in others surplus shirts, coats, and other articles of clothing; and in some, book-cases, bureaux, stone-hammers, chalk, drill-hammers, leather shoe-knives, onions, sewing implements, brad awls, scissors, silk, nails, spikes, skeins of yarn, files, gouges, chisels, kits of tools and shoe nails, constituting a miscellaneous collection of articles, in no respect necessary to the comfort of the prisoners or to the enforcement of due punishment upon them. In respect to cleanliness, so essential to health, the change in the discipline displayed its effects. In some of the cells dirt and filth and decaying pro-

visions were found, while others were infested with lice and bed-bugs." In the language of the keeper, who, under the directions of the Inspectors, examined the cells, he found in them "a good many unnecessary articles, such as alcohol, tobacco, boxes with secret drawers, matches, books of a nature not calculated for convicts, newspapers, clothing, provisions, decaying or spoiled. In some of the cells the air was intolerable; I vomited several times in the operation. Most of the ventilators were stopped up by stuff and rubbish. I found obscene pictures and letters of the same kind, novels, plays, stories and obscene paintings on their walls and in their books."

The picture of the prison as it then was, is completed by an extract from the report of Mrs. Farnham, the new matron of the Female Prison, made to the Inspectors shortly after, in 1844:

"It is known to you, gentlemen, that at the time I assumed the duties of matron, the prison was in a deplorable condition. Scenes of violence between the convicts or attempts on their part against their officers, seem to have been of frequent occurrence. Misrule and disorder were the prevailing characteristics of the institution. Your last report set forth a painful and forbidding state of affairs, which was amply confirmed by the statements of the officers then in charge. The duties to which I was appointed were undertaken with the hope and intention of reforming the condition of things and reducing the convicts to a sound state of discipline, obviously the first necessity in all institutions of the kind. I believed not only that this could be done, but that it could be effected by means which had not hitherto been tried, viz., by substituting kindness for force, and other restraints, imposed through the mental constitutions of the prisoners, for those founded in fear of suffering, or growing out of physical inability to be disobedient and refractory. It is painful to observe that almost every facility requisite for carrying out such views was wanting in the commencement of the effort. The construction of the prison and buildings attached thereto permitted but little attention to the laws of life, or the many conditions which are indispensable alike to the existence of physical and moral purity, and still more so to the restoration of that purity where it has been extinguished by long persistence in depraved habits. There were no means of inflicting that mode of correction which must be mainly relied on here for the graver offenses, except by confining the offenders in the common cells of the prison, darkened and *wholly deprived of fresh air*, by the use of plank doors hung inside. As these cells opened directly into the common hall, where, at that time, most of the prisoners were seated during the day at their different kinds of labor, the seclusion was at best very imperfect, while the violent or turbulent had a better oppor-

tunity than at any other time for giving utterance to foul language, profanity or any abuse they might wish to heap upon their officers or fellow-prisoners. The sleeping cells were insufficiently ventilated; there were no arrangements whatever for bathing; the bedding was of such a description that any thing like cleanliness, in so much of it as came in contact with the person, was entirely out of the question; there was no provision for exercise, unless taken in a very small yard for a few minutes on first coming out in the morning, and the diet was of a description as stimulating as that taken anywhere in our country by laboring men. But the greatest deficiency was in books. There were none in circulation, and only a few ill-chosen and worse-used volumes belonging to the prison, which were stored away in the attic."

Notes made by Judge Edmonds, on the occasion of his first visit to the Prison after his appointment, show that he immediately appreciated the situation, and then began his studies of the subject of Prison Discipline and Reform. In but little more than one year thereafter, at a public meeting in New York city, he set forth, in an elaborate address then delivered, the results of his experience and reflections. A portion is here quoted as showing the completeness of his scheme at that early day: "But this reform [*i. e.*, diminished use of the whip] though important, and promising soon to be complete, was by no means all that could be done toward reclaiming prisoners. The further reforms demanded and which would require Legislative aid, could be comprehended in two words, CLASSIFICATION and INSTRUCTION; not the imperfect classification attempted in some of the British prisons, according to the crimes committed, nor instruction confined merely to their moral and religious duties, but that which should separate the hopeful from the incorrigible, and elevate the mind and improve the understanding. Two errors prevailed in regard to prisoners. One was the harsh notion of regarding the hardened and irreclaimable as characterizing the whole class, and condemning all, for their sakes, to enduring degradation. The other was that sickly sensibility, which, because of a few distressing incidents, looked upon all as deserving of compassion only. There was a common-sense view of the matter, alike alien to both these extremes, which did not regard a prison as a place of ease, nor yet as a place devoted to purposes of torment only, but as a house of repentance, where the most hardened might be taught the useful lesson that the way of the transgressor is hard, and that virtue is sure of its reward here and hereafter. To plain common sense, a classification would readily suggest itself—into the innocent, the irreclaimable and the doubtful. Our duty to each class is widely different. To the innocent we owe it that they should be protected against the contamination of vice and,

above all, against the dire necessity which oftentimes compels to crime as the only refuge from starvation. To the irreclaimable we owe it that they should be deprived of the means of preying upon society, of gratifying their vicious propensities at the expense of the virtuous and the good, and of spreading the contagion of their evil example. And while to them the way to repentance should always be open, however faint the prospect that they would ever travel it, above all things it is due to them and to humanity that vindictive punishments should never be inflicted upon them. Vengeance belongs to the Creator, and not to mere mortal man, and can never be dealt out by us without arming for the conflict on both sides, the worst passions of our nature. The third class, however, is that which would be most deserving the regards of such a Society, not merely because it was the most numerous, but because here is to be found the germ from which, with proper cultivation, the green tree shall spring. Among such persons, external circumstances turn the scale. In low life, uneducated, neglected and destitute, they often become criminal, while in a more favorable condition of education and society they would have continued respectable, but within the influence of bad example they will be found sensual and often profligate, always selfish and self-indulging.

"To such, let a new chapter in human life be opened. When the suffering, which must follow the evil lives they have led, shall awaken in them a due sense of their fall, and of the duty which they owe to themselves and to society, let them be helped on in the path of reform, and let us, by our timely aid, convert the convicted felon into the honest man and the good citizen. To this class, particularly, let instruction be directed while in prison.

"Dr. Johnson well remarks, 'That the present occupies but little of our time ; it is mostly engaged with recollections of the past and anticipations of the future.'"

In a letter to an eminent penologist in Berlin, in 1846, Judge Edmonds sets forth, with great conciseness, some of the existing opinions in regard to prison discipline, and his own conclusions in regard to them. They are too striking to be withheld, and I quote them :

"The most glaring ills I found were : 1. The use of physical to the almost entire exclusion of moral means in the government of our prisons; and 2. The state of utter destitution in which the prisoners found themselves upon their discharge from confinement.

"As to the first point, I was surprised at the entire absence of moral appliances and the prevalence of great cruelty in the government of the prisons. My inquiries seemed to lead to one of two conclusions, either that this cruelty must be continued as a necessary means of preserving

order and discipline, or that disorder, confusion, and the corruption of mutual contamination must result from the relaxation of that harsh usage. That, at all events, was the conclusion to which I was brought by my inquiries of all those whose experience in prison government rendered their opinions of value, and I made up my mind that it would be better far that the whole system should be broken up than that it should be sustained by barbarities that were shocking to every sensitive mind.

"This was a sad alternative and I did not believe that there was any necessity for its existence and I therefore took measures for introducing a different system of government into our prisons. I acted upon the principle that violence would beget resistance, and kindness would beget submission, and I directed that the prison should be governed accordingly."

Judge Edmonds did not disregard the demand made upon society by the condition of the discharged prisoner to which he adverts in the foregoing extract. His services in that branch of this work will be hereafter noted. He held the office of Inspector less than two years, but in that time, in spite of the difficulties which were to be encountered, there was marked improvement in the prison. In his letter to Gov. Bouck, he thus describes the change :

"From Mrs. Farnham's two reports (one of which you will find in the report I sent you, and the other in the report of the Inspectors this year), you will form something of an idea of the extent and nature of the reforms she introduced. But you cannot fully know, unless you had personally seen it as I have, how great is the change she has wrought, as well on the condition and conduct of the prisoners as in the mode of government. She has now been there about two years, and she and her assistants have persevered in their efforts, under difficulties which would have deterred very many strong men, and I thank God that she has thus persevered, for she has, in my judgment, demonstrated the correctness of the principles I have mentioned, that kindness, truth and justice are the best means of governing the prison. In her department, the experiment has been fully tried, and has fully succeeded. In the male prison it has been only partially tried, and yet it is gratifying to know that so far as it has progressed, it has been successful."

Concurring with the above is the testimony of an eminent person, now deceased, and a student in this and all kindred subjects, who speaks as an eye-witness :

"About ten months after this [*i. e.*, after the appointment of Mrs. Farnham], I was at the prison and saw them dine. There was a white cloth upon the table; four or five volunteer waitresses served the table, and the meal was conducted with as much civility and order as is usually

met with at our best hotels. I spent most of the afternoon in the prison. I did not hear a single oath or a single obscene allusion; they sang several of the Sabbath school hymns, and conversed pleasantly and intelligently."

When Judge Edmonds became an Inspector, the lash was freely used in the punishment of the refractory. It is stated in a report of the Senate Committee on State Prisons, in 1846, that, a few years before, 12,000 stripes were inflicted in a single month at Sing Sing, on 900 convicts. The death of a convict at Auburn the year previous called public attention to this matter, and it became the subject of legislative investigation. At the request of the Senate Committee, Judge Edmonds stated his views at length, and urged a modification of the law. His letter forms a part of the report. The Senate Committee adopted the views of Judge Edmonds, and reported strongly against the practice, and proposed legislation in conformity with the views expressed in the reports. In 1849, the use of the whip among males was abolished, except in cases of insurrection, revolt and self-defense; it had been abolished among females in 1830. In the letter referred to, as in all his correspondence, the humane and philanthropic views of Judge Edmonds shine forth with surpassing clearness. Let a few words be quoted: "When I first became connected with the State Prison there was a very general looseness of discipline, arising from the kindly disposition of the keeper, and his repugnance to the severity which had for years preceded him. The consequence was great disorder among the convicts and great dilapidation in the finances. We attempted to correct that, and introduced an old and experienced keeper, instead of the one we found there, and, as a natural result, we brought back the former severity. This was very revolting to my feelings, and conflicted with my judgment as to the proper mode of government. I attempted to correct it, through the officers we then had, but was assured by them and by all whose experience rendered their opinions valuable, that that system of government was necessary; that without it the prison *must be* the scene of disorder and confusion which it was when I first became connected with it. Several months elapsed under such a *regime*, until, determined if possible to change it, we removed the keeper and substituted for him one who had been some ten years engaged as a keeper. Under him we, in a measure, reformed the evil, but only partially, the story still being 'whipping is indispensable.' To convince me that it was so, I was triumphantly referred to the uniform practice in our prisons in this State and to other prisons of the same kind elsewhere. In order to ascertain whether it was so, I visited other prisons and I read a good deal, particularly several legislative reports of investigations, and I thus had

ample opportunity, from personal observation, from the experience of old officers and from the legislative inquiries, to become well acquainted with the mode of government which had ever prevailed in the prisons of this State, and I was able, in some measure, to judge of its results.

* * * Under the severe rule which we had thus been instrumental in establishing, about 2,000 blows were inflicted in a month, and when you learn that the weapon is a 'cat' with six tails, you will perceive that nearly 12,000 lashes were struck upon about 900 prisoners in one month. This was horrible! A universal gloom settled upon the prison. Despair and dread were painted in every face. The most desperate efforts were made to escape from prison. The convicts seemed to be willing to risk being shot down by the guard, rather than remain in such a horrible place. Bickerings and quarrels and ill-feeling prevailed among the officers. No kindly feeling was exhibited anywhere. If a prisoner complained that he was not well clothed, that he had not enough to eat, that his ailments were not cared for, that he was overtasked, or that he was severely whipped, the answer was always at hand, 'You were sent here to be punished,' therefore any suffering which could be inflicted upon the convicts was a matter of duty on the part of the officers. This was an extreme state of things; yet I never could discover why it was not the legitimate and inevitable product of the principle which authorized the whip as the sole means of government. And as to reforming the prisoners under such a government, the idea seemed to be preposterous.

* * * With the great majority of convicts, kindness, truth and justice are the most effective instruments of government. I have been astonished at the keen perception they have shown for what is just and true, and what a high regard they have for it as applied to themselves; and I have over and over again observed that where a keeper has established his character among them for being truthful and just, he could do what he pleased with his men. * * *

"All this is perfectly natural. They are conscious that they owe their fall to their disregard of truth and justice, and hence the value that they now attach to them. It is hard to persuade them that *he who whips in anger is just*. But the great thing is kindness; by this I mean sympathy for their sufferings and a kindly regard for their feelings and comforts; treating them, in fine, as if they were *fellow-men*, not brutes devoid of feeling, and not mere machines to be worked all in a particular manner."

Comments or exposition cannot add to the force of Judge Edmonds' reasoning as presented in this extract, nor can words increase the effectiveness of the picture which he paints of the effect of the use of the lash.

It appears from Judge Edmonds' papers that very shortly after he became connected with Sing Sing prison, the condition and needs of con-

viets after their discharge attracted his attention. These were adverted to by him in one of the letters already quoted. In that letter he states that the Prison Association of New York was designed to care for this class. In the formation of this Association, Judge Edmonds took a prominent part. An appeal, signed by him as President of the Board of Inspectors of Prisons, dated November 23, 1844, appeared in the papers of New York city on the third December. A card dated the twenty-fifth of the same month, signed by many very prominent gentlemen, most of whom are now dead, appeared on the same day, calling a public meeting at the Apollo Rooms on the sixth December. In both of these papers, as well as in the circular privately distributed, the care of discharged convicts was presented as a prominent topic.

Vice-Chancellor McCoun presided at the meeting; Rev. Dr. Spring and Gen. Prosper M. Wetmore were vice-presidents; John L. O'Sullivan and John Jay were secretaries. Addresses were made by Isaac T. Hopper, Prof. Tellkamp, Rev. W. H. Channing and Judge Edmonds. The address of Judge Edmonds was carefully prepared, and embraced most of the topics pertinent to the subject of reformatory discipline, while Dr. Channing dwelt more especially upon the need that an association be organized, as he stated it: "First, to insure the *permanent establishment* of the reformatory system in our penitentiaries amidst all accidents of change in administration; and, second, to produce such a spirit of humanity and justice in the community at large as will 'lift up the hands that hang down, and the feeble knees, and make straight paths, lest the lame be turned out of the way.'" It will be observed that Dr. Channing's first proposition contains the germ of the recent amendment of our Constitution in regard to the government of prisons. At that meeting the Prison Association of New York was formed. Its objects have been already suggested in the extracts made from Judge Edmonds' papers. They are, however, thus stated in its constitution:

"1. The amelioration of the condition of prisoners, whether detained for trial or finally convicted, or as witnesses.

"2. The improvement of prison discipline and the government of prisons, whether for cities, counties or States.

"3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform."

In this movement Judge Edmonds had the co-operation of many eminent and philanthropic men and women. But it is doing no injustice to any one to say that none were in advance of him. The drafts of the circulars calling the first meeting were in his handwriting, and so are the programmes for the first and other public meetings of the Society. The

draft of the Charter is in his handwriting, and preserved among his papers.

From the day the Association was organized, to the day of his death, Judge Edmonds was its faithful friend and servant. He was a regular attendant upon the monthly meetings of the Executive Board, and Chairman of its Prison Discipline committee. The reports of that committee, drawn by him, are most effective arguments in favor of the reforms from time to time suggested by the Association, and a valuable contribution to the literature of reformatory science. Many of them are incorporated in the annual reports of the Society. Two of more recent date may here be noticed. One in the year 1870, upon the moral and financial condition of the prisons of the State, which was subsequently adopted as a memorial on behalf of the Association to the Governor, in favor of an amendment to the Constitution, placing the State Prisons beyond the influence of partisan politics, is an unanswerable argument in favor of the idea which, at the last election, was incorporated into the fundamental law of the State by the amendment under which Mr. Pilsbury now holds his appointment. The other is a report for 1873, equally elaborate and conclusive, in favor of the adoption of "a general system which shall include all prisons, local as well as general, for the juvenile and the insane, as well as workhouses and houses of correction."

A sketch of the work of the Prison Association does not belong here. Its thirty-three years of service have culminated in the adoption of the Constitutional Amendment which secures the State Prisons from the contingencies incident to political changes; in recent laws for improvement in reformatory discipline; and in the creation of a State agency for the care of discharged convicts. Its thirty-three annual reports, which, however, contain but a part of its history, are a most important addition to the statistics and discussions bearing upon questions of reformatory science. No student can afford to pass them by.

While Judge Edmonds took part in this work in its larger aspects, he did not neglect its details. A most voluminous correspondence has been preserved, showing his care for and interest in individual cases. Both while on the bench and afterwards, when in full practice at the bar, he hunted up persons who had been discharged; he visited them at their lodgings; he advised with them; he sought out their friends; he obtained for them employment.

But Judge Edmonds was not a mere sympathizer with the suffering prisoner. He believed in the rigorous infliction of just penal sentences. This is strikingly shown in his letters to Gov. Fenton in 1868, on the pardoning power, in which he answers the various suggestions made in

favor of pardons, contending that the reforms introduced within the last twenty years had excluded, as grounds of pardon, the elements of remorse, repentance and reform, while previous good character was to be considered by a jury on the trial of a cause. He insisted that the pardoning power had no place in our system of criminal jurisprudence, except to correct errors into which our courts may fall, or to provide for events occurring or brought to light after the trial and conviction of the accused. He asks, "upon what principle was it, that one, two or a few should be selected out of this large number as the exclusive recipients of this reward? Simply because the favored ones had influential friends outside who could present their cases to the Governor, while the poor unfriended and deserted ones, though just as well — nay! even more entitled to the reward, were of necessity overlooked," and he insisted "that it was just as essential that the exercise of the pardoning power should be governed by an abiding principle as it is that any other part of the administration of justice should be so governed."

As Judge Edmonds began in this work, so he ended. The last paper from his pen, prepared early in 1874, is entitled "Points submitted by the Prison Association in conference with the Board of Prison Inspectors." The preliminary propositions are quoted here. These are stated with the precision and severe beauty which characterized everything that came from his pen.

"GENERAL PRINCIPLE. — To ameliorate, as much as possible, a government of force, and extend in its place one of justice and kindness; and to that end, consider the following topics :

I. *Classification of Prisoners.* — This cannot be carried out in full without a rebuilding of our prisons, but such attention can be paid to the subject as will do a good deal toward preventing contamination of the young by too free intercourse with the old offenders.

II. *Education.* — By establishing it as a fixed and invariable rule, that no prisoner shall leave the prisons without being able to read.

III. *Over-stent.* — (1) Adopt such arrangement as will give to all the same opportunities for this as is now enjoyed by the laborers from contractors. (2) To have it under the control of the officers, and not left to an arrangement between the contractors and the prisoner. (3) To have the time of its payment to the prisoner to be entirely under the control of the prison officers, so that the contractors shall never pay directly to the prisoner.

IV. *Commutation.* — (1) To have this, in all cases, the result of a formal and deliberate judgment, and not the result of a mere examination of the conduct and punishment reports. (2) To see if some mode may not be devised by which life prisoners may enjoy the benefit of this measure.

V. *Miscellaneous.* — (1) Seats and tables in cells. (2) Gas-light for reading in cells. (3) Bodily exercise on Sundays. (4) Such provision that no one shall be idle, especially in the female prison.

VI. *Inquiry into the condition and discipline of State prisoners in local penitentiaries.* — To have some measure devised whereby they shall be placed under the supervision of State officers."

Judge Edmonds lived long enough to be assured by events that the reforms for which he had so long contended would receive formal official sanction, and be carried out in actual practice by prison officers kindred to him in spirit and in talent. Deliberate public actions since his death have made most of these reforms legislative and administrative facts.

